

REMARKS

Claims 1, 15, and 17 - 23 are in the application.

The claims have been amended to more particularly point out and distinctly claim applicant's invention. Claims 7-11 relating to an inserting and handling device have been cancelled. Independent claims 1 and 15 have been amended to add the limitation of claim 16 which has been cancelled, and to clarify that the contact lens is to be located on the bottom of the upper chamber of the storage container, and that the contact lens support device permits the user to invert the lens, and advantage over the cited prior art. The amendments are fully supported by the application as filed, and include no new matter. The amendments are specifically supported, for example, in the specification at page 4, lines 1-16, and by Figure 1.

Claim 1 stands rejected under 35 U.S.C. 102(b) as being anticipated by both U.S. Patent 3,113,579 ("Willis") and U.S. Patent 4,700,729 ("Thaler"). These rejections are respectfully traversed, and reconsideration and withdrawal of the rejections are respectfully requested.

The Examiner states that each of the cited references discloses a storage container (10; 10; respectively) for receiving and storing a contact lens comprising an upper chamber (20; inside 12) having an opening (12; at 14) through which the contact lens can be placed into the chamber. The Examiner further states that the upper chamber has a bottom portion having at least one passageway (26; 32) permitting liquid to flow out of the upper chamber, a contact lens supporting device (27; 20-27) on the bottom portion of the upper chamber, the device maintaining the contact lens on the device while the contact lens is stored in the container, and a lower chamber (18; inside 18) for containing liquid and having a deformable portion which allows liquid to flow through the passageways in the bottom portion of the upper chamber to the lower chamber such that the contact lens supporting device is free of liquid.

However, neither Willis nor Thaler anticipate the presently claimed invention because they do not disclose all the limitations of the invention as the invention is claimed in claim 1. In particular, they do not disclose “a contact lens supporting device on said bottom portion of said upper chamber, said contact lens supporting device providing for maintaining the position of the contact lens on the contact lens supporting device while the contact lens is stored in the container” (emphasis added). In Willis, the contact lens support device is a lens-carrying frame 11 which is not “on said bottom portion of said upper chamber.” Thaler provides a contact lens retaining means including a pair of lens carriers 20, 22 positioned in the middle of the upper chamber (Fig. 1). Further, in Thaler, while the bulb 26 positioned on the bottom end of the rotating spindle 24 is positioned on the bottom of the upper or cleaning chamber 12, the “supporting device” for the contact lens, namely the combination including the spindle 24 and carriers 20, 22, does not “maintain the position” of the contact lens as required by claim 1. Instead, in Thaler’s device the contact lens are rotated during cleaning instead of being maintained in a fixed position as required by the presently claimed invention.

In addition, neither Willis nor Thaler disclose a dome-shaped structure that permits the user to invert a contact lens. In Willis the contact lens carrier in a generally rectangular affair. In Thaler the lens can be placed inside a first basket half 21 with a concavity that matches that of the lens and the basket halves are preferably formed from a flexible soft plastic material (co. 2, lines 40-42). The second basket halves 23 are hinged to the first basket halves 21 which are attached to the spindle by supports 27. Thus, it would appear to be impractical to try to invert contact lenses using the second basket halves 23 given the rotating connection to the first basket halves 21 and the apparent lesser concavity of the second basket halves 23 compared with the first basket halves 21.

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Because claim 1 includes limitations that are not met by the cited art, it is not anticipated thereby. Reconsideration and withdrawal of the rejections entered under 35 U.S.C. 102(b) are respectfully requested for this reason.

Nor do either Willis or Thaler or the combination thereof render claim 1 obvious. In particular, one of ordinary skill in the art would be taught away from maintaining the contact lens in a stationary position by the rotational arrangement of Thaler. Further, Willis's provision of a separate retractable carrier for the contact lenses would teach one of ordinary skill in the art to attempt to provide a simple cleaning device in which the contact lenses were supported by a structure on the bottom of the upper cleaning chamber. Such an arrangement would be a completely impractical modification of Willis elongated bottle-like device.

Claims 7-9 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 3,129,971 ("Kobler"). Further, claims 7-9 and 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 4,238,134 ("Cointment") in view of Kobler. Claims 9 and 10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 8, and further in view of U.S. Patent 3,167,079 ("Weil").

In response to these rejections, applicant has cancelled claims 7 -11.

Claims 15 and 21-22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Willis and Kobler. Claims 15 and 21-22 also stand rejected under 35 U.S.C. 103(a) as being unpatentable over Willis and Cointment in view of Kobler. Claims 15-22 are also rejected under 35 U.S.C. 103(a) as being unpatentable over Thaler and Kobler. Claims 15-22 are also rejected under 35 U.S.C. 103(a) as being unpatentable over Thaler and Cointment in view of Kobler.

These rejections are respectfully traversed, and reconsideration and withdrawal of the rejections are respectfully requested.

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The Examiner states that the references cited in making these rejections had been explained individually against a storage container alone and an inserting and handling device alone. The Examiner concludes that to provide the container and device together in combination would have been obvious, as both are disclosed to be employed with contact lens. The Examiner further states that as to claims 16 and 20, Thaler discloses a dome-shaped structure (23), and that as to claims 17-19, Thaler discloses the deformable portion as an accordion-shaped pleated bellows.

Each of the rejected claims require a storage container, claimed in section (a) of independent claim 15. However the storage container, as argued above, is not anticipated by the Willis or Thaler, because both Willis and Thaler lack one or more of the elements claimed in defining the inventive storage container. Further, as argued above, neither Willis or Thaler or the combination of the two, render the presently claimed storage container, and hence the combination with the inserting and handling device, obvious to one of ordinary skill in the art. The additional references cited in making these rejections all relate to various types of contact lens handling devices, and thus cannot and do not remedy or supplement the absence of any suggestion or teaching concerning applicants' storage container. Each of the rejected dependent claims includes all the limitations of independent claim 15 by reference, and thus each such claim is also unobvious over the cited references. Reconsideration and withdrawal of the rejections entered under 35 U.S.C. 103(a) of applicants' claims drawn to the combination for storing and handling contact lenses over the various combinations of references are respectfully requested for these reasons.

Claim 23 stands rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 22 above, and further in view of U.S. Patent 5,941,583 ("Raimondi").

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This rejection is respectfully traversed, and reconsideration and withdrawal of the rejection are respectfully requested

The Examiner states that Raimondi discloses a contact lens handling device including a removable cover (56). The Examiner concludes that to employ a cover to modify the handling device of the combination would have been obvious in view of Raimondi in order to protect the device during non-use.

However, claim 23 is ultimately dependent from independent claim 15, which includes limitations that are not disclosed in any of the cited references, nor is the subject matter of claim 15 rendered obvious by any combination of the cited references. In particular, Raimondi does not suggest these structure features to one of ordinary skill in the art, either alone or taken in combination with any of the previously cited references. Raimondi merely discloses a conventional storage container 14 for use along with his inventive contact lens manipulation device.

Prompt consideration and favorable action on this matter are respectfully requested.

Respectfully submitted,

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